

**Exhibit 2****UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

I/P ENGINE, INC.

Plaintiff,

v.

AOL, INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**DECLARATION OF JOSHUA L. SOHN IN SUPPORT OF DEFENDANTS'  
SUPPLEMENTAL BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR  
DISCOVERY SANCTIONS**

I, Joshua L. Sohn, declare as follows:

1. I am an attorney in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP and am counsel for Defendant Google Inc. ("Google") in the above-captioned case. I provide this declaration upon personal knowledge and, if called upon as a witness, would testify competently as to the matters recited herein.
2. On August 14, Plaintiff in this case served document subpoenas on Ruben Ortega (co-inventor of the Bowman reference) and Gary Culliss (inventor of the Culliss reference). Mssrs.

Ortega and Culliss produced documents responsive to these subpoenas on August 22 and September 4, respectively.

3. On August 31, Plaintiff served deposition subpoenas to Mssrs. Culliss and Ortega for September 4 – the very next business day and the last day of fact discovery under the Court’s Scheduling Order.

4. Starting on September 3, Mr. Ortega’s counsel offered several dates for Mr. Ortega’s deposition, and on September 6, counsel suggested a preferred date of September 25.

Meanwhile, Defendants offered to make Mr. Culliss available for deposition on September 27. Plaintiff has not yet accepted the September 25 date for Mr. Ortega’s deposition or the September 27 date for Mr. Culliss’ deposition.

5. On August 29, Plaintiff’s expert (Dr. Jaime Carbonell) submitted his Rebuttal Expert Report Regarding Validity in this case. Dr. Carbonell’s report addressed Bowman, Culliss, and Ryan at length, contending that none of these references invalidate the Asserted Patents. At no point did Dr. Carbonell state that he was hindered or prejudiced in his ability to analyze these references for purposes of forming his validity opinions.

6. Dr. Carbonell is scheduled to be deposed on September 21. Likewise, Dr. Lyle Ungar (Defendants’ invalidity and non-infringement expert) is scheduled to be deposed on September 22 and 23 for twelve total hours.

7. Plaintiff submitted a supplemental expert infringement report on September 4 – one week after Defendants’ rebuttal non-infringement report and just 36 hours before the deposition of Plaintiff’s infringement expert, Dr. Ophir Frieder. This report disclosed new theories and purported to address depositions occurring as early as 5 weeks earlier. At Dr. Frieder’s deposition, Plaintiff argued that Defendants suffered no prejudice from the supplemental report

because “we gave you the report in time for you to present questions to Dr. Frieder. And, in fact, you did that, so I think the record will reflect that.”

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: September 14, 2012



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Joshua L. Sohn

DATED: September 14, 2012

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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